

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kelvin Laneil James,
Plaintiff,

v.

Judge Steve Dobrescu,
Defendant.

Case No.: 2:24-cv-00740-RFB-BNW

ORDER

On May 31, 2024, pro se Plaintiff applied to proceed *in forma pauperis* for a second time. ECF No. 6. Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff (1) did not use the form the Court provided to him (2) did not include a financial certificate and (3) he did not submit an inmate trust fund account statement for the previous six-month period with the application. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by August 23, 2024**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee; it just means that the inmate can pay the fee in

1 installments. *See* 28 U.S.C. § 1915(b).

2 As explained above, Plaintiff's application to proceed *in forma pauperis* is incomplete. The
3 Court will therefore deny Plaintiff's application to proceed *in forma pauperis* without prejudice
4 and grant Plaintiff an extension of time to either pay the filing fee or file a new fully complete
5 application to proceed *in forma pauperis* with all three required documents.

6 **II. CONCLUSION**

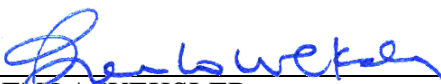
7 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 6) is
8 denied without prejudice.

9 It is further ordered that Plaintiff has **until August 23, 2024**, to either pay the full \$405
10 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
11 required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a
12 completed financial certificate that is signed both by the inmate and the prison or jail official, and
13 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
16 refile the case with the Court, under a new case number, when Plaintiff can file a complete
17 application to proceed *in forma pauperis* or pay the required filing fee.

18 The Clerk of the Court is directed to send Plaintiff the approved form application to proceed
19 *in forma pauperis* for an inmate and instructions for the same and to retain the complaint (ECF
20 No. 1-1) but not file it at this time.

21
22 DATED this 21st day of June, 2024.

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24 
25 BREND A WEKSLER
26 UNITED STATES MAGISTRATE JUDGE
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